D.B.CIVIL SPECIAL APPEAL NO. 1413/2007
Badi Sahakari Upbhokta Bhandar Ltd.
v.
District Supply Officer, Dholpur & ors.

Date of order : 22.03.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ
. . .

Shri Rakesh Kumar for the appellant
Shri Sanjay Sharma for respondent nos. 4 to 21

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant. The appellant had filed the writ petition challenging allotment of fair price shops to respondent nos. 4 to 21.

The case of the appellant which is a registered co-operative society is that it had been allotted fair price shops in all twenty five wards of Badi town of Dholpur district but without cancelling the allotment, fresh allotments have been made in favour of the respondents. From reply of the respondents it appears that respondents took a policy decision to allot one fair price shop for over 2000 units. Units are determined on the basis of number of consumers in the particular area/ward. It further appears that out of twenty five wards, allotments have been made to private respondents in only eighteen wards, which means that appellant society continues to have

fair price shops in the remaining seven wards. Inasmuch as the shops/licence of the appellant society have not been cancelled we are not able to appreciate as to how it could challenge allotment in favour of the respondents which was pursuant to a policy decision. We find no error in the order of the learned Single Judge dismissing the writ petition.

The appeal is dismissed.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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